



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,073	02/15/2002	Martin Pechter	742420-44	8516

22204 7590 08/12/2003

NIXON PEABODY, LLP
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN, VA 22102

EXAMINER

PASSANITI, SEBASTIANO

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

YK

Office Action Summary

Application No.

10/076,073

Applicant(s)

PECHTER ET AL.

Examiner

Sebastiano Passaniti

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5,7</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

This Office action is responsive to communication received 05/20/2002 –

Declaration, Fee and Data Sheet; 06/04/2002 – Information Disclosure Statement (IDS);

07/25/2003 – IDS; 07/28/2003 – Request for two month extension of time and Election.

The papers filed on 06/04/2002 (certificate of mailing dated 05/20/2002) have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process. The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

COPY OF PAPERS ORIGINALLY FILED

If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of such papers (*i.e.*, a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do **not** call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will **not** be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.

Art Unit: 3711

Applicant's election without traverse of Group II (claims 9-23) in Paper No. 9 is acknowledged.

Claims 1-8 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –\

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Bradley. Note Figure 1 showing a putter head (10) having a top (16) that may serve as the claimed flange. A shaft is shown as being attached to both the flange and a grip (14).

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Estridge.

Estridge
Note that ~~Estridge~~ shows a putter head having a flange member extending rearwardly from the striking portion of the head and further including a shaft attached to the flange and to a handle or grip portion.

SP
08-08-03

Art Unit: 3711

Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Ambrose.

Note Figure 1 showing a putter head with a flange extending rearwardly and having attached thereto a shaft that further includes a handle at one end.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley in view of Drake. Bradley shows every feature claimed with the exception of a substantially cylindrical head and a flange that is longer than the length of the putter head. Drake shows that it is old in the art to provide either a substantially flat or substantially cylindrical ball striking club head. Compare Figures 1-5 with Figures 6-10 in Drake. Simply, Drake notes that some golfers prefer the feel of a flat face to that of a rounded profile (col. 3, lines 42-45). In view of the patent to Drake, it would have been obvious to modify the device in the cited art reference to Bradley by including a substantially cylindrical club head body, the motivation being to accommodate the individual desires of each golfer for the type of face configuration. As for the remaining limitations in the claims and with respect to the Bradley device, the limitations of the shaft, as required by claims 11-17, see the attached highlight of Figure 1 of Bradley. As to claim 18, the flange as identified, supra, is clearly seen as being equal in length to the putter head body. As to claim 19, no advantage is realized nor is

Art Unit: 3711

any unobvious purpose or advantage recognized by the applicant for the use of a flange having a length greater than the length of the putter head. Thus, the length of the flange is merely deemed to be an obvious difference in design. As to claims 21-23, the flange clearly is seen as forming a generally triangular shape, with the shaft connected to what may be considered to be the apex of the triangle.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley in view of Drake and Crews. Bradley in view of Drake has been discussed above. Crews is cited to show that it is old in the art to provide a flange for connecting the shaft and the head to one another, wherein the thickness of the flange is less than the thickness of the head. It would not appear that the specific configuration or dimensions of the flange are critical to the operation of the Bradley device so long as the Bradley device may still be operable, i.e., the wheel (25) may turn and the striking face (19) may still be used to hit a ball. In other words, many configurations and dimensions for the flange in Bradley may be realized and the selection of one of many flange arrangements would have been an obvious design choice for the skilled artisan.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sherwood shows a substantially triangular flange extending rearwardly from the putter head assembly. Devendorf shows a flange and a shaft attached thereto. Note Figure 1 in Donica. See Figure 29 in Prueter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 703-308-1006. The examiner can normally be reached on Mon-Fri (6:30-3:00).

Art Unit: 3711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on 703-308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Sebastiano Passaniti
Primary Examiner
Art Unit 3711

S.Passaniti/sp
August 8, 2003

FIG. 1.

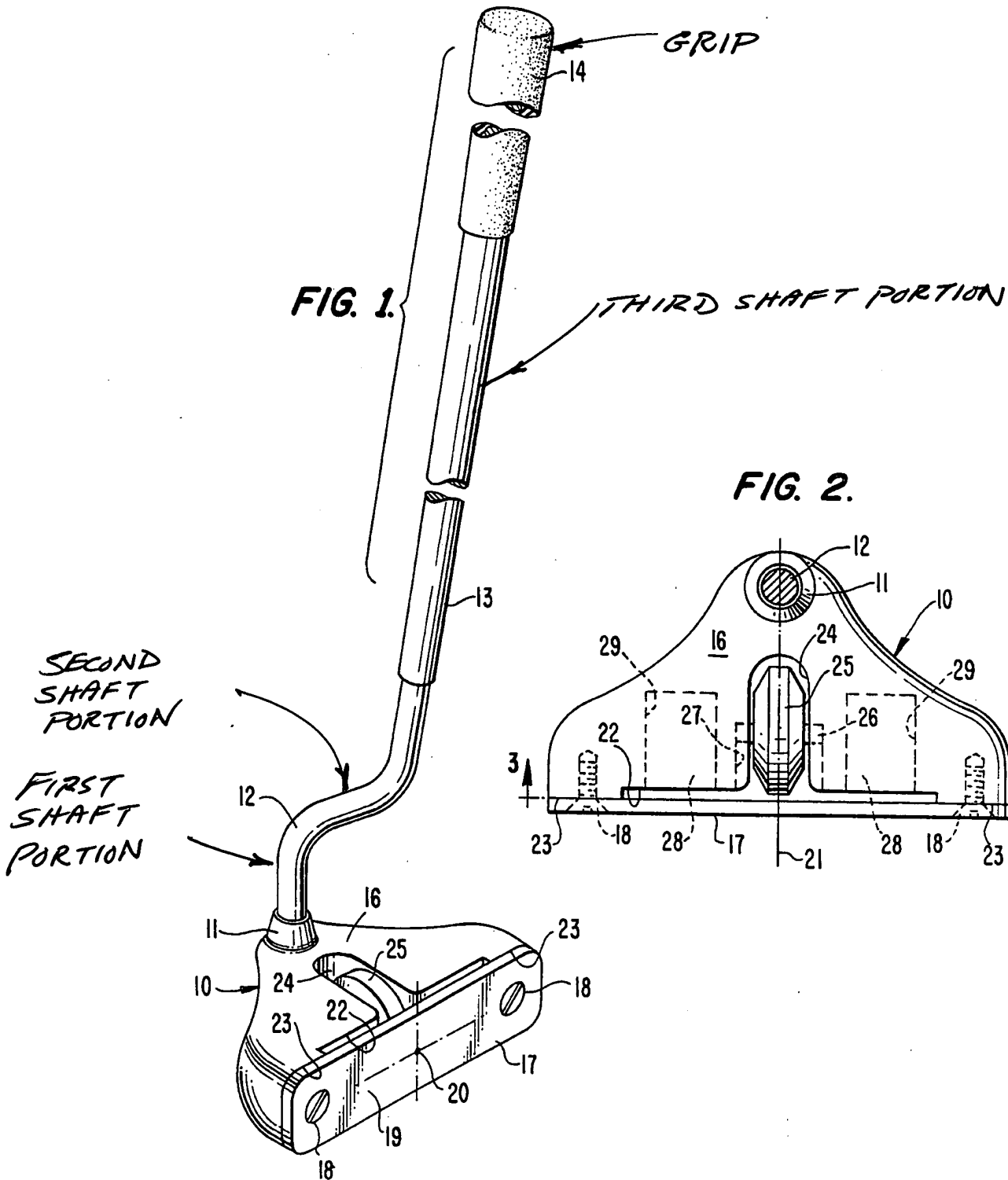


FIG. 2.

